

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

MENOMINEE INDIAN TRIBE OF WISCONSIN,)	
)	
Plaintiff,)	No. 1:18-cv-00108 -WCG
)	
v.)	PLAINTIFF'S MOTION TO AMEND
)	COMPLAINT
U. S. ENVIRONMENTAL PROTECTION)	
AGENCY, ANDREW WHEELER, Acting)	
Administrator, U. S. Environmental Protection)	
Agency, U. S. ARMY CORPS OF ENGINEERS,)	
MARK T. ESPER, Secretary, U.S. Army,)	
)	
Defendants,)	
)	
AQUILA RESOURCES, INC.,)	
<i>a Canadian Corporation</i>)	
Intervenor-Defendant.)	
)	

MOTION TO AMEND COMPLAINT

Plaintiff Menominee Indian Tribe of Wisconsin (“Menominee Tribe”) hereby files this Motion to Amend its Complaint pursuant to Fed. R. Civ. P. 15(a)(2), L.R. 15, and L.R. 7. This motion is supported by an accompanying Memorandum and the proposed First Amended Complaint is attached hereto as Exhibit A pursuant to L.R. 15. Rule 15(a)(2) provides this Court authority to grant the Menominee Tribe’s Motion to Amend its Complaint with the Court’s leave, and further prescribes that “[t]he court should freely give leave when justice so requires.”

Counsel for the Menominee Tribe has contacted the other parties in this case and they take the following positions on the Motion to Amend: Intervenor-Defendant Aquila Resources, Inc. opposes the Motion to Amend; Defendants U.S. Environmental Protection Agency et al. oppose the Motion.

Dated: September 11, 2018

Respectfully submitted,

s/Janette K. Brimmer

JANETTE K. BRIMMER (WSB #41271)

STEPHANIE K. TSOSIE (WSB #49840)

(Admitted on January 18, 2018)

Earthjustice

705 Second Avenue, Suite 203

Seattle, WA 98104-1711

Phone: (206)343-7340 | Fax: (206)343-1526

jbrimmer@earthjustice.org

stsosie@earthjustice.org

LINDZEY SPICE (WI #1056513)

Menominee Indian Tribe of Wisconsin

P.O. Box 910

W2908 Tribal Office Loop Road

Keshena, WI 54135

Phone: (715) 799-5194

lspice@mitw.org

*Attorneys for Plaintiff Menominee Indian Tribe of
Wisconsin*